IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 9559 of 2003

Between:

1. P. Venkata Hari Prasad,

   S/o. Late Ramulu, Hyderabad.

2. P.Hari Gopal, S/o. Late Ramulu, Hyderabad.

3. P.Mohana Rao, S/o. Late Ramulu, Hyderabad.

4. P.Kamalamma, W/o. Late Ramulu, Hyderabad.

..... PETITIONERS

AND

1. National Highway Authority of India, rep. By its General Manager and Project Director, Nellore, Nellore District.

2. The Revenue Divisional Officer, Kandukur, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or writ one in the nature of writ of Mandamus declaring the proposal declaration for acquisition of the lands of the petitioners in Sy.No.102/1A an extent of 2.14 Acres and Sy.No.101/1B an extent of 0.91 Acres, Patha Singarayakonda Village, Singarayakonda Mandal, Prakasam District as arbitrary, illegal, violative of natural justice.

Counsel for the Petitioner: Smt. N.Shobha

Counsel for the Respondent No.1 : Mr.S.S.Varma

Counsel for the Respondent No.2: Assistant Government Pleader for Revenue (Land Acquisition)

The Court made the following :

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ORDER:

The four petitioners are residents of Hyderabad. They claimed that they are owners and possessors of the land comprised in Sy.No.101/1 and 102 admeasuring Acs.2.14. The respondent published a notice in Eenadu Telugu Daily proposing to acquire various lands for the purpose of the project known as Golden Quadrilateral Project for laying of four-lane road. The petitioners alleged that there was no proper notification under Section 3A of the National Highways Act, 1956 (for brevity "the Act"). They also allege that the land owned by them in S.No.101/1, 101/5A was not mentioned in the notification published in Eenadu Telugu Daily on 04.09.2001 or 27.02.2002. Therefore, they filed the writ petition seeking writ of Mandamus declaring the action of the respondents in proposing to acquire the land as illegal, arbitrary and unconstitutional.

This Court while admitting the writ petition passed interim orders in W.P.M.P.No.12166 of 2003, dated 13.05.2003, granting interim stay of dispossession. First respondent herein moved this Court by filing W.V.M.P.1933 of 2004. This miscellaneous application was listed before this Court on 10.08.2004. When it was brought to the notice of this Court that the first respondent has already taken possession and laid the road under the National Project and that the Revenue Divisional Officer has already paid the compensation to all the persons interested, the learned Assistant Government Pleader for Revenue was directed to get instructions in the matter. Today, when the matter is called, the matter was heard finally with the consent of the parties and is being disposed of at the interlocutory stage.

In the counter-affidavit filed by the first respondent, it is stated that the first respondent sought to acquire an extent of Acs.0.3718 hectares in S.No.101/1 and 0.0086 hectares in S.No.102/5A, 0.0500 hectares in S.No.102/4, 0.1329 hectares in S.No.102/3, 0.2310 hectares in S.No.102/2 and 0.7715 hectares in S.No.102/1 of Singarayakonda village of S.Konda Mandal, Prakasam District, for the purpose of widening of National Highway No.5 in the stretch from Km. 237.000 to Km.354.000 (Madras to Vijayawada Section) in the State of A.P. As the lands are situated in the proposed bypass road of Singarayakonda, a notification was accordingly published in the Gazette, dated 04.09.2001 giving a brief description of the land sought to be acquired and there is no compulsion to publish the names of the land-holders in the notification. It is further stated that the land was inspected, surveyed and measured and after getting the sub-division record of land plans prepared, the competent

authority proposed to acquire the land. The notification was published on 27.02.2002. The competent authority-the second respondent herein published the declaration in Eenadu Telugu Daily on 27.02.2002. The land thereafter, vested absolutely with the first respondent. Even prior to filing of the writ petition, the land was taken possession after giving ample opportunity to the petitioners at every stage. It also stated that road is already laid in the lands.

The learned Assistant Government Pleader for Land Revenue (Land Acquisition) submits that Revenue Divisional Officer passed awards under Section 3G(1) of the Act for all the lands acquired and as there is a dispute as to title of the petitioners, the amount awarded for the lands in S.No.101/1A and 101/1B was kept in the revenue account. He further submits that the land is shown in the revenue records as inam land, but petitioners did not produce any patta under Inams Abolition Act, 1956. The learned counsel for petitioners does not seriously challenge the acquisition proceedings. However, a grievance is made out that the respondents have not paid any compensation to the petitioners. This has been sufficiently met by the Assistant Government Pleader for revenue, stating that as the petitioners did not produce any patta under the Inams Abolition Act, the amount was not paid and the amount was kept in the revenue account. It is not a case where third parties are claiming any share in the compensation. Therefore, the petitioners may approach appropriate authorities under Inams Abolition Act, obtain patta and produce the same before the Revenue Divisional Officer for claiming compensation. Till the petitioners produce the pattas, the second respondent shall not disburse the amount to any other third person. Eight weeks time is given to petitioners to produce pattas. In case, other persons are claiming compensation, it shall be open to the second respondent to pass appropriate orders after considering the rival claims.

The writ petition, with the above observations, is disposed of. No costs.

16.08.2004 (V.V.S.RAO,J.)

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To

1. The General Manager and Project Director, National Highway Authority of India, Nellore, Nellore District.

2. The Revenue Divisional Officer, Kandukur, Prakasam District.

3. 2 CCs tot eh Assistant Government Pleader for Revenue (Land Acquisiton), High Court Buildings, Hyderabad.(OUT)

4. Two CD copies.